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17 SEP 2007

In re Application of:

Capecchi et al.

Application No.: 10/596,836

Int. App. No.: PCT/US04/41194

Int. Filing Date: 10 December 2004

Priority Date: 30 December 2003

Attorney Docket No.: 59029US004

For: Medicinal Compositions And Method  
For The Preparation Thereof

DECISION

This is in response to the "Communication" filed on 08 May 2007.

### BACKGROUND

International application PCT/US04/41194 was filed on 10 December 2004, claimed a priority date of 30 December 2003, and designated the United States. The 30 month period for payment of the basic national fee in the U.S. ended as of midnight on 30 June 2006. On 27 June 2006, applicant filed *inter alia* the basic national fee.

On 15 March 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration in compliance with 37 CFR 1.497(a) and (b) because "There a third inventor on decl Peter M. Seiler but he not on the IA."

### DISCUSSION

Counsel refers to a Notification Of The Recording Of a Change (Form PCT/IB/306) mailed on 09 August 2005 and reflecting the addition of "SEILER, Peter, M." as an inventor. In view of the fact that Peter M. Seiler was added as an inventor of the international application during the international phase, the declaration document filed on 27 June 2006 is compliant with 37 CFR 1.497(a) and (b). As such, the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed on 15 March 2007 is hereby VACATED.

### DECISION

The declaration filed on 27 June 2006 is ACCEPTED, as described above.

This application is being returned to the National Stage Processing Branch for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is 27 June 2006.

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